

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

**LILLIE COLEY, et al.,**

**Plaintiffs,**

**v.**

**NEW JERSEY SUPREME COURT, et al.,**

**Defendants.**

**Civil No. 24-10724 (ESK)(EAP)**

**MEMORANDUM OPINION**

This matter having come before the Court on *pro se* Plaintiffs Lillie Coley and Rymir Satterthwaite's renewed motion for leave to file a first amended complaint, ECF No. 20 (Pls.' Renewed Motion); and Defendants Judge Deborah Silverman Katz, Judge Charles W. Dortch, Jr., Judge Stephen J. Polansky, Judge Edward J. McBride, Jr., Judge Sherri L. Schweitzer, Judge Samuel Bernadine, the New Jersey Superior Court Family and Civil Law Divisions, the New Jersey Appellate Court, and the New Jersey Administrative Office of the Courts (collectively, "Defendants") having opposed the motion, ECF No. 26 (Defs.' Opposition); and Plaintiffs having filed a reply brief in support of their renewed motion for leave to amend, ECF No. 29 (Pls.' Reply), as well as another supplemental reply brief, ECF No. 31 (Pls.' Suppl. Reply Br.); and the Court noting that Plaintiffs have filed a motion to strike certain statements in Defendants' opposition brief pursuant to Fed. R. Civ. P. 12(f), ECF No. 30 (Pls.' Motion to Strike); and the Court having considered the parties' submissions; and the Court deciding this matter without oral argument pursuant to Federal Rule of Civil Procedure 78(b) and Local Civil Rule 78.1; and

**IT APPEARING TO THE COURT** that Plaintiffs filed their Complaint on November 25, 2024, ECF No. 1 (Complaint), and Defendants waived service of process on December 13,

2024, ECF No. 9 (Letter from Defendants). At the request of Defendants, the Court granted Defendants until February 11, 2025, to respond to the Complaint, ECF No. 10 (Letter Order); and

**IT FURTHER APPEARING TO THE COURT** that on February 13, 2024, Plaintiffs filed a motion for leave to file an amended complaint, ECF No. 11 (Pls.' First Motion to Amend). Defendants opposed the motion as procedurally deficient, ECF No. 12 (Defs.' Opp. to First Motion to Amend) because Plaintiffs had not submitted a proposed amended pleading. *Id.* at 2. Plaintiffs then filed a proposed amended complaint, ECF No. 13, and Defendants again opposed leave to amend on the grounds that Plaintiffs had not submitted a red-lined version of the proposed amended complaint pursuant to Local Civil Rule 15.1(a)(2), ECF No. 15 (Defs.' Supp. Reply); and

**IT FURTHER APPEARING TO THE COURT** that on January 28, 2025, the Court denied Plaintiffs' motion for leave to file an amended complaint without prejudice so that Plaintiffs could fully comply with Local Civil Rule 15.1. *See* ECF No. 16 (Order). The Court ordered that Plaintiffs could file a renewed motion within thirty days. *Id.*; and

**IT FURTHER APPEARING TO THE COURT** that on January 30, 2025, Plaintiffs filed a renewed motion for leave to file a first amended complaint, ECF No. 20 (Pls.' Renewed Motion). Following the Court's grant of an extension of time, ECF No. 23 (Order), Defendants filed a response on March 11, 2024, ECF No. 26 (Defs.' Opposition). Plaintiffs filed a reply brief with leave of Court, ECF No. 29 (Pls.' Reply), ECF No. 28 (Order granting leave), and also filed a supplemental reply, ECF No. 31 (Pls.' Suppl. Reply Br.); and

**IT FURTHER APPEARING TO THE COURT** that on March 3, 2025, Plaintiff filed a motion pursuant to Fed. R. Civ. P. 12(f) to strike the characterization in Defendants' opposition

brief of Plaintiff Lillie Coley as a “disgruntled and vexatious litigant.” ECF No. 30 (Pls.’ Motion to Strike) at 1-2 (quoting Defs.’ Opposition at 1).

**THE COURT NOTING** that Federal Rule of Civil Procedure 15(a)(1) provides that:

A party may amend its pleading once as a matter of course no later than:

- (A) 21 days after serving it, or
- (B) If the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Fed. R. Civ. P. 15(a)(1). Advisory Committee Note to the 2023 Amendment clarifies that the addition of the language “No later than” makes it clear that the right to amend continues without interruption until 21 days after the earlier of the events described in Rule 15(a)(1)(B).” Fed. R. Civ. P. 15, 2023 advisory committee note; and

**THE COURT NOTING** that Defendants have not yet filed a responsive pleading or a motion under Fed. R. Civ. P. 12(b), (e), or (f). *See* Dkt. Sheet. As such, Plaintiffs have the right to amend the Complaint as a matter of course and need not seek leave of Court; and

**THE COURT NOTING** that Federal Rule of Civil Procedure 12(f) provides that “[t]he court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter” either on its own or on a party’s motion. Fed. R. Civ. P. 12(f). By its plain language, this rule applies only to pleadings, not other documents such as briefs or motions. *See* Charles Alan Wright & Arthur R. Miller, *5C Federal Practice & Procedure* § 1380 (3d ed.) (“Rule 12(f) motions only may be directed towards pleadings as defined by Rule 7(a); thus motions, affidavits, briefs, and other documents outside of the pleadings are not subject to Rule 12(f).”

(collecting cases)). Accordingly, Plaintiffs' motion to strike portions of Defendants' brief in opposition to the renewed motion for leave to amend is improper; and

**THE COURT NOTING** that it has carefully reviewed the present motions and has considered the applicable legal standards. For the foregoing reasons, and for good cause shown;

**IT IS** this **20th** day of **March 2025**;

**ORDERED** that Plaintiffs' renewed motion for leave to amend, ECF No. 20, is **DENIED AS MOOT**; and it is further

**ORDERED** that the Clerk of Court shall file Plaintiffs' proposed amended complaint, ECF No. 20-1, on the docket of this case; and it is further

**ORDERED** that within **thirty (30) days** from the date the Amended Complaint is filed, Defendants shall file a response to the Amended Complaint; and it is further

**ORDERED** that Plaintiffs' motion to strike, ECF No. 30, is **DENIED**.

s/Elizabeth A. Pascal  
ELIZABETH A. PASCAL  
United States Magistrate Judge

cc: Hon. Edward S. Kiel, U.S.D.J.